

EXHIBIT C-1

Case Number :SKBHCV2023/0228

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**THE EASTERN CARIBBEAN SUPREME COURT
ST. CHRISTOPHER AND NEVIS
NEVIS CIRCUIT**

Submitted Date:08/12/2023 13:52

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Fees Paid:52.00

**IN THE HIGH COURT OF JUSTICE
(CIVIL)
A.D. 2023**

Claim No.

B E T W E E N:

**[1] CARIBBEAN GALAXY REAL ESTATE CORPORATION
[2] YING JIN**

Claimants

- and -

**[1] MSR MEDIA SKN LTD
[2] PHILIPPE MARTINEZ**

Defendants

STATEMENT OF CLAIM

The Claimants, **CARIBBEAN GALAXY REAL ESTATE CORPORATION** and **YING JIN**, claim against the Defendants, **MSR MEDIA SKN LTD** and **PHILIPPE MARTINEZ**, the following:

10. Relief as set out below:

- (a) Damages in an amount to be particularized prior to trial for defamation;

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- (b) Punitive, aggravated and exemplary damages in the amount of US\$100,000 (or EC\$270,255);
- (c) An order requiring the retraction of prior defamatory statements in the Letter (defined herein);
- (d) An interim injunction prohibiting the publication and repetition of the words complained of (defined herein) and similar words;
- (e) A permanent injunction prohibiting the publication and repetition of the words complained of and similar words;
- (f) Pre-judgment interest at a rate at five percent (5%) on the amount set out in subparagraph (a) above, and post-judgment interest also at a rate at five percent (5%) in accordance with Section 7 of the Saint Christopher and Nevis *Judgments Act*, Cap 3.14;
- (g) Pre-judgment interest at a rate at five percent (5%) on the amount set out in subparagraph (b) above, and post-judgment interest also at a rate at five percent (5%) in accordance with Section 7 of the Saint Christopher and Nevis *Judgments Act*, Cap 3.14, with interest accruing at a daily rate of US\$3.96 (or EC\$10.70);
- (h) Full costs of this Claim; and
- (i) Such further and other relief which this Honourable Court deems just.

A. The Parties to the Claim

11. The First Claimant, Caribbean Galaxy Real Estate Corporation ("**Caribbean Galaxy**"), is a company incorporated pursuant to the laws of St Kitts and Nevis, carrying on business as a real estate developer and investment company, with its head office located in Basseterre, St Kitts, St Kitts and Nevis.

12. The Second Claimant, Ying Jin ("**Ying**"), is an individual ordinarily resident in the town of St Pauls, St Kitts and Nevis. Ying is the former Chief Executive Officer of Caribbean Galaxy.

13. The First Defendant, MSR Media SKN Ltd ("**MSR Media**"), is a company incorporated pursuant to the laws of Nevis, St Kitts and Nevis. MSR Media carries on business as a film and television production company. MSR Media's registered office is located at the Juris Building, Main Street, Charlestown, Nevis, and it has an office in Basseterre, St Kitts, St Kitts and Nevis.

14. The Second Defendant, Philippe Martinez ("**Martinez**"), is an individual resident at Palm Breeze Villa, Paradise Estates, Nevis, St Kitts and Nevis. Martinez is the Chief Producer, director, and directing mind of MSR Media.

B. The CBI Program

15. In or around 1984, the Government of St Kitts and Nevis ("**Government**") established the Citizenship by Investment Unit ("**CIU**"), the government authority responsible for promoting and managing the Citizenship by Investment ("**CBI**") program. The CBI program is an initiative designed to attract

investors to contribute to the development of St Kitts and Nevis by investing in, among other things, real estate projects to gain citizenship.

16. Since its inception and on an ongoing basis, the CBI program has undergone significant transformation according to economic trends, the Government's budgeting and overall support of the program, the types of investments available and investors willing to invest, and the prices for which the shares of investments are transferred and sold.

17. In 2021, the CBI program introduced a new branch, the Alternative Investment Option ("**AIO**"). The AIO allowed investors to invest in both privately funded and privately-owned projects and privately funded and state-owned projects.

18. The CIU selected Caribbean Galaxy as a private developer under the AIO program. Caribbean Galaxy was then entitled to receive citizenship shares of passports attaching to projects under the CBI program from the Government and sell them to investors through the AIO.

19. The Claimants have built a positive reputation both locally and globally for their development activities in St Kitts and Nevis. Investors, governments and the public view the Claimants' activities as helping the Federation of St Kitts and Nevis achieve its capital investment goals in a mutually beneficial, fair and regulated manner. Participation in the AIO under the CBI program is a highly competitive process and its success is dependent on governmental and public confidence in the CBI program.

20. MSR Media and Martinez filmed and produced television programs and films in St Kitts and Nevis prior to the introduction of the AIO. In or around May 2022, the CIU approved MSR Media into the AIO at US\$200,000 per share. In late 2022, MSR Media and Martinez also invested in the OTI Hotel through the CBI program's real estate investment branch.

The Defamatory Statements

21. On 17 November 2023, the Defendants published or caused to be published a letter (the "**Letter**"), which was delivered or sent by e-mail, or both delivered and sent by e-mail, to the following individuals (as identified by the Defendants):

- (a) Mr. Timothy Harris;
- (b) Mr. Leslie Khan a.k.a. Les Khan;
- (c) Mr. Vincent Byron;
- (d) William P. Barry, Miller Chevalier;
- (e) Sandeep Prasanna, Miller Chevalier;
- (f) Mark Brantley, Premier Of Nevis;
- (g) Garth Wilkin, Attorney General, St. Kitts and Nevis;
- (h) Paul Singh and Catherine Coup, CS Global;
- (i) Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation;

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- (j) Damian Kelsick, Attorney at Law;
- (k) Dwyer Astaphan, Attorney at Law;
- (l) Daisy Randal, Attorney at Law;
- (m) Sylvester Anthony, CIU;
- (n) Farron Lawrence, CaribTrust Ltd.;
- (o) Dorietta Fraites, SKIPPA;
- (p) Lee Beasley, MSR Media SKN Ltd.; and
- (q) Terrence A. Crossman, St. Kitts-Nevis Anguilla National Bank.

22. The Claimants object to and complain of the Letter in its entirety as being defamatory of the Claimants and in particular, the following words ("**the words complained of**"):

- (a) "The result of this investigation (into the 'finance and discounting schemes' in the CBI programme that occurred under Dr. the Hon Timothy Sylvester Harris' administration and management) has revealed numerous potential violations of United States Law including fraud, money laundering, tax evasion and corruption";
- (b) "You have misrepresented the legal value of the CBI shares... while establishing a fraudulent network to sell shares of other projects at a fraction of their legal price...";
- (c) "MSR Media has...evidence of your fraudulent activities..."; and
- (d) "I have instructed my lawyer, William P. Barry of Miller Chevalier in Washington D.C., to begin legal action against you and all of your associated conspirators, including Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation and Caribbean Galaxy Real Estate

Corporation, for the significant financial damages caused to MSR Media and American investors."

23. The Letter implicates the Claimants in its entirety of by referring to the Claimants as "associated conspirators" to the alleged conduct as set out in the Letter.

24. The Claimants state that the Letter was published, viewed, downloaded, or republished in St Kitts and Nevis and was published, viewed, downloaded, or republished, including but not limited to, on the following online forums:

- (a) Investment Migration Insider, on or about 18 November 2023;
- (b) Winnfm.com, on or about 18 November 2023;
- (c) SKN News, on or about 19 November 2023
- (d) WICNews, on or about 19 November 2023;
- (e) NewsInvasion 24, on or about 19 November 2023;
- (f) Associates Times, on or about 19 November 2023;
- (g) Writeups 24, on or about 19 November 2023;
- (h) TikTok, on the KN Whoop account; and
- (i) Facebook, on the St Kitts-Nevis Times Facebook page.

25. The Claimants state that the Defendants directed the Letter, or caused the Letter to be directed, to the attention to the attention of the media, including but not limited to, the above-mentioned online forums.

The Words Complained of are Defamatory

26. Without limiting the generality of the natural and ordinary meaning and/or legal and false innuendos created by the words complained of, and their arrangement and presentation, the Claimants state that the Letter, through the combination of words and their arrangement, produced defamatory statements that in their entirety, meant and were understood to mean that the Claimants:

- (a) independently and/or by association, engaged in fraudulent activities and illegal conduct, including fraud, money laundering, tax evasion and corruption;
- (b) conspired with others to sell citizenship shares under the CBI program at a fraction of the legal rate represented to the international community; and
- (c) established, participated in, and/or furthered a "fraudulent network" and "finance and discounting schemes" to sell shares of projects under the CBI program at a fraction of their legal price.

27. The words complained of are demonstrably false and defamatory. The Claimants have not engaged in any fraudulent or illegal activities in relation to the CBI Program. At all material times, Caribbean Galaxy and Ying, through

Caribbean Galaxy, acted in accordance with their mandate with the CIU under the CBI program and the AIO and in compliance with all applicable laws and regulations at the relevant times. The Claimants plead that all citizenship shares transferred to the Claimants and subsequently sold by the Claimants were priced at fair value and in compliance with the legal requirements of the CBI and AIO program.

The Defamatory Statements Refer to the Claimants

28. The Defendants refer to the Claimants by name in the Letter. The Defendants allege in the Letter that the Claimants are co-conspirators in the furtherance of fraudulent and illegal conduct, making it clear that the words complained of were meant to and do refer to the Claimants.

29. The Defendants distributed the Letter widely. The Defendants intended the Letter to reach representatives of the political, official, legal and commercial establishments of the Federation of St Kitts and Nevis and intended and caused the Letter to be republished by the international media.

30. The Defendants published and repeated the words complained of, and the innuendo arising from them, unfairly, irresponsibly, and with express malice, intending or knowing the words complained of and the innuendo arising from them were false and defamatory or with reckless disregard as to whether they were true or false and in utter disregard of the consequences of their publication.

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31. The Defendants published the words complained of intending or knowing that they, and the innuendo arising from them, would be republished, in whole or in part by others, and, accordingly, the Defendants are liable for all such republication.

Damages Caused by the Words Complained Of

32. The defamatory Letter, as well as the repetition caused by the Defendants through various online news sources and forums, has done and, each day it remains published online, continues to do significant damage to the Claimants' reputation and business.

33. The Defendants intended to cause the Claimants damage and acted maliciously by publishing the Letter, and specifically copying several persons in positions of influence and authority in the Federation of St Kitts and Nevis to the Letter, as well as members of the media.

34. The Claimants plead that the publishing of the Letter on news websites and various social media platforms accessed by an unknown but significant number of people was designed to draw adverse attention to the Claimants and destroy their reputation.

35. The Letter contains false and defamatory statements and innuendos, including allegations of criminal conduct, which are seriously injurious to the professional reputation of Caribbean Galaxy and the professional and personal reputation of Ying, both of whom have suffered and will continue to suffer further

damage to their reputations and a resulting negative impact on their development and investment activities in St Kitts and Nevis.

36. The Defendants intended to injure the Claimants' reputations to cause the Claimants' investment activities in St Kitts and Nevis to be diminished. The Defendants accordingly intended to secure a greater share of CBI shares by publishing the Letter, thereby profiting from the defamatory statements.

37. On 2 December 2023, counsel for the Claimants sent a detailed complaint to counsel for the Defendants via email regarding the defamatory nature of the Letter and demanding that the Defendants issue a clear and unqualified apology and retraction publicly and to all the parties copied on the Letter, cease repetition of words of like or similar effect, and undertake not to repeat the allegations contained in the Letter (the "**Demand**").

38. To date, the Defendants have not published any retraction or apology.

39. The Defendants have further aggravated the damages caused to the Claimants by:

- (a) publishing the words complained of maliciously and in bad faith, with knowledge that they were false, or with reckless disregard for their truth or falsity;
- (b) copying members of the media on the Letter and inviting both local and international media to republish and circulate the Letter on

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various platforms, including on online news sources' web pages, Facebook and TikTok, making the words complained of instantly available to an unknown number of recipients; and

- (c) failing to correct the defamatory statements made in the Letter and continuing to repeat similar words after receiving the Demand on December 2, 2023, which set out the words complained of, and requested that the Defendants issue apologies and retract the words complained of.

As such, the Claimants seek an award of aggravated and/or exemplary damages to compensate for their losses.

40. The Claimants further plead that the Defendants' actions were reckless, high-handed, malicious, arbitrary, highly reprehensible and/or carried out in bad faith, and as such, the Claimants are entitled to punitive damages to ensure that the Defendants are appropriately punished for their conduct and deterred from such conduct in the future.

41. Annexed to the Statement of Claim is a copy of the Letter and the Demand.

The Defendants' acts and omissions as set out in the paragraphs above have caused and continue to cause the Claimants to suffer damages. The Defendants are jointly and severally liable for these damages.

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42. As a result of the Defendants' actions as described above, the Claimants are entitled to the relief sought.

Dated the 8th day of December, 2023



E. Anthony Ross KC
E. Anthony Ross Professional Services
Unit C10, The Sands Complex
Newtown Bay Road
Basseterre, Saint Kitts and Nevis
Tel: (869) 465-5557 / (869) 763 0874

Legal Practitioners for the Claimants

CERTIFICATE OF TRUTH

We, **CARIBBEAN GALAXY REAL ESTATE CORPORATION** and **YING JIN**, hereby certify that we believe that the facts stated in this Statement of Claim are true and that we are entitled to the relief claimed.

Dated the 8th day of December, 2023

**CARIBBEAN GALAXY REAL ESTATE
CORPORATION**



Per: YING JIN



YING JIN



Friday, November 17, 2023

Washington D.C., USA

Mr. Timothy Harris
Mr. Leslie Khan a.k.a. Les Khan
Mr. Vincent Byron

Gentlemen:

This letter serves as a formal notice regarding certain actions that transpired under your administration and management with respect to the St. Kitts and Nevis Citizenship by Investment (CBI) Program. On May 6, 2022, under your governance, MSR Media SKN Ltd was approved for the CBI program's 'alternative investment option' at the legal price of US\$200,000 per share.

During your interactions with our American investors, you represented the CBI program as being transparent, the best in the Caribbean, and compliant with the law regarding the share price of US\$200,000. Relying on these representations and the SKIPA approval letter, MSR Media continued to make substantial investments in the Federation of St. Kitts and Nevis, including producing several additional motion pictures and purchasing the OTI Hotel – a transaction introduced by Les Khan that also includes 300 CBI shares.

Several months ago, I relocated to the United States to initiate an international investigation with MSR Media's team of experts into the 'finance and discounting schemes' in the CBI program that occurred under your administration and management. The result of this investigation has revealed numerous potential violations of United States laws including fraud, money laundering, tax evasion, and corruption.

On his recent radio show on November 15, 2023, Mark Brantley, a member of your government at the time we are referring to, publicly admitted that during your administration thousands of citizenship shares were illegally sold at prices that were a fraction of the legal rate which was represented to the international community. Brantley also stated in his radio/video broadcast that he discussed during cabinet sessions that your actions were illegal.

Be informed that all your public statements are being thoroughly analyzed by our investigation team in the United States. You have misrepresented the legal value of the CBI shares to MSR Media and American investors, claiming a value of US\$200,000, while establishing a fraudulent network to sell shares of other projects at a fraction of their legal price, especially concerning the jail project.



For the past several months, MSR Media has been formally delivering all evidence of your fraudulent activities to the United States Government.

Additionally, you are hereby notified that I have instructed my lawyer, William P. Barry of Miller Chevalier in Washington D.C., to begin legal action in the United States against you and all of your associated conspirators, including Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation and Caribbean Galaxy Real Estate Corporation, for the significant financial damages caused to MSR Media and American investors.

For any communication, contact my attorney William P. Barry of Miller Chevalier directly at his Washington D.C. office via email. For your reference, please see Mr. Barry's page on the Miller Chevalier website.

Email: wbarry@milchev.com

Website: <https://www.millerchevalier.com/professional/william-p-barry>

Regards,

A handwritten signature in black ink, appearing to read 'Philippe Martinez'. Below the signature, the name 'Philippe Martinez' is printed in a black, sans-serif font.

Philippe Martinez

cc:

William P. Barry, Miller Chevalier
Sandeep Prasanna, Miller Chevalier
Mark Brantley, Premier Of Nevis
Garth Wilkin, Attorney General, St. Kitts and Nevis
Paul Singh and Catherine Coup, CS Global
Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation
Damian Kelsick, Attorney at Law
Dwyer Astaphan, Attorney at Law
Daisy Randal, Attorney at Law
Sylvester Anthony, CIU
Farron Lawrence, CaribTrust Ltd.
Dorietta Fraites, SKIPA
Lee Beasley, MSR Media SKN Ltd.
Terrence A. Crossman, St. Kitts-Nevis Anguilla National Bank

MSR MEDIA SKN LTD

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E. ANTHONY ROSS LAW

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2 December 2023

**DELIVERED
VIA E-MAIL**

William P. Barry
Member
Miller & Chevalier Chartered
900 16th Street NW
Washington, DC 20006
wbarry@milchev.com

MSR Media SKN Ltd
3 Wigley Avenue
Basseterre, Saint Kitts and Nevis
info@msrmediaskn.com

Philippe Martinez
c/o MSR Media SKN Ltd
3 Wigley Avenue
Basseterre, Saint Kitts and Nevis
info@msrmediaskn.com
philippe@msrmediaskn.com

Dear Sirs:

Re: Caribbean Galaxy Real Estate Corporation et al re MSR Media SKN Ltd. and Philippe Martinez – Notice of Libel

We act for Caribbean Galaxy Real Estate Corporation and Ying Jin.

We refer to Phillippe Martinez's letter of November 17, 2023 (the "**Letter**"), a copy of which is enclosed for ease of reference. The Letter contains defamatory statements about our clients made by Mr. Martinez and on behalf of MSR Media SKN Ltd. ("**MSR**").

Mr. Martinez's and MSR's statements about our clients in the Letter (the "**words complained of**"), excerpted below, are demonstrably false and defamatory:

- a) *"The result of this investigation (into the 'finance and discounting schemes' in the CBI programme that occurred under Dr. the Hon Timothy Sylvester Harris' administration and*

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management) has revealed numerous potential violations of United States Law including fraud, money laundering, tax evasion and corruption";

- b) *"You have misrepresented the legal value of the CBI shares... while establishing a fraudulent network to sell shares of other projects at a fraction of their legal price...";*
- c) *"MSR Media has...evidence of your fraudulent activities..."; and*
- d) *"...I have instructed my lawyer, William P. Barry of Miller Chevalier in Washington D.C., to begin legal action against you and all of your associated conspirators, including Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation and Caribbean Galaxy Real Estate Corporation, for the significant financial damages caused to MSR Media and American investors."*

The words complained of in their natural or ordinary meaning, and by innuendo, falsely and maliciously meant and were understood to mean that:

- a) our clients, independently and/or by association, engaged in fraudulent activities and illegal conduct, including fraud, money laundering, tax evasion and corruption;
- b) our clients conspired with others to sell citizenship shares at a fraction of the legal rate represented to the international community; and
- c) our clients established, participated in, and/or furthered a "fraudulent network" and "finance and discounting schemes" to sell shares of projects at a fraction of their legal price.

Our clients have not engaged in any fraudulent or illegal activities in relation to the St. Kitts and Nevis Citizenship by Investment (CBI) Program.

The Letter makes serious and harmful allegations against our clients that amount to a very damaging libel against our clients. The Letter was distributed widely and clearly intended to reach representatives of the political, official, legal and commercial establishments of the Federation of St. Kitts and Nevis and be republished by the international media and on social media.

Our clients have suffered and will continue to suffer serious damages as a result of the Letter, including significant damages to our clients' business and professional reputations and relationships. The extent of our clients' damages is not yet fully known.

Our clients further deny the allegations made by Mr. Barry in his letter to Ms. Jin dated 24 November 2023, which repeat the false and defamatory statements in the Letter. We have instructions to vigorously defend any action commenced against our clients.

Our clients demand that Mr. Martinez and MSR:

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- a) issue a clear and unqualified apology and retraction, in a form and content to be approved by us, publicly and to all the parties copied on the Letter;
- b) cease repetition of words of like or similar effect, verbally or in any written form;
- c) undertake not to repeat the allegations contained in the Letter, or any similar allegations, to any person, verbally or in any written form, or by any other means of transmission; and
- d) compensate our clients for all of their legal costs with respect to legal representation in this matter.

Should Mr. Martinez and MSR fail to comply with the demands set out above on or before **5:00 pm AST on Tuesday, 5 December 2023**, legal action will be commenced against MSR and Mr. Martinez personally without further notice or demand.

You are also hereby on notice of your obligation to take reasonable steps to preserve all documents and evidence relevant to this matter, including a copy of all alleged evidence of our clients' "fraudulent activities".

Any claim by our clients will include a claim for all of their legal fees and expenses. This letter does not purport to be an exhaustive statement of our clients' position and it is without prejudice to our clients' rights and remedies, all of which are expressly reserved.

Respectfully,



E. Anthony Ross KC

**THE EASTERN CARIBBEAN SUPREME COURT
ST. CHRISTOPHER AND NEVIS
NEVIS CIRCUIT**

**IN THE HIGH COURT OF JUSTICE
(CIVIL)
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[2] **YING JIN**

Claimants

- and -

[1] **MSR MEDIA SKN LTD**
[2] **PHILIPPE MARTINEZ**

Defendants

STATEMENT OF CLAIM

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Peru @ 21.03
11/12/2023

Legal Practitioners for the Claimants